

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

MIGUEL GUTIERREZ, YOLANDA
GUTIERREZ, MARITZA GUTIERREZ,
JUSTYN KUCERA,

Defendants.

8:13CR249

ORDER

Defendant Justyn Kucera has orally moved to continue the trial currently set for October 21, 2013. As explained, defense counsel is not available during the current trial setting. The motion to continue is unopposed. The Court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant Justyn Kucera's oral motion to continue is granted.
- 2) **As to all defendants**, the trial of this case is set to commence before the Honorable John M. Gerrard, United States District Judge, in the Special Proceedings Courtroom of the United States Courthouse, Omaha, Nebraska, at 9:00 a.m. on October 29, 2013, or as soon thereafter as the case may be called. Jury selection will be held at commencement of trial.
- 3) Based upon defendant Justyn Kucera's oral motion of counsel, the Court further finds that the ends of justice will be served by continuing the trial; and that the purposes served by continuing the trial date in this case outweigh the interest of the defendant and the public in a speedy trial. Accordingly, **as to all defendants**, the additional time arising as a result of the granting of the motion, the time between today's date and October 29, 2013, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act. 18 U.S.C. § 3161(h)(1), (h)(6) & (h)(7).

October 4, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge